

PUGET SOUND AIR POLLUTION CONTROL AGENCY  
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

January 4, 1999

Ash Grove Cement Company  
c/o Gerald J. Brown, Manager Safety and Environment  
3801 East Marginal Way South  
Seattle, WA 98134

Dear Mr. Brown:

Application for Relief (Remission or Mitigation)  
Notices and Orders of Civil Penalty Nos. 8936 & 8937

On December 11, 1998, this Agency received your Application for Remission or Mitigation and your request for an office conference to discuss the above-referenced matter. Pursuant to your telephone conversation with our office, a meeting has been scheduled in this office, 110 Union St., Suite 500, Seattle, on Tuesday, January 19, 1999, at 3:00 p.m. If this date and time are not acceptable to you, please contact Michelle Levandoski at (206) 689-4074, or 1-800-552-3565, ext. 4074, and a mutually agreeable date and time will be arranged.

The appeal process is suspended until the Agency responds to your application. The Application and the information you present in the meeting will be evaluated pursuant to the requirement of Section 3.11(c) of PSAPCA's Regulation I. This regulation provides that a penalty will be mitigated only if you demonstrate extraordinary circumstances, such as the presence of facts or information not already considered in setting the original penalty.

We will provide you with a Notice of Disposition on Application for Relief, notifying you of the results of our review and explaining the process. Once you receive this Notice of Disposition, you will have thirty (30) days to either pay the penalty or appeal our decision.

Sincerely,

Neal J. Shulman  
Manager – Inspection

NJS:ml

cc: Laurie Halvorson, Agency Counsel

Accounting

Fred Austin, Air Pollution Engineer

Rosemary Busterna, Senior Air Pollution Inspector

Rick D. Hess, Senior Air Pollution Inspector

Melissa McAfee, Air Pollution Inspector

Elizabeth Gilpin, Air Pollution Inspector

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Margaret Pageler, City of Seattle, Board Chair

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Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton

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110 Union Street, Suite 500, Seattle, Washington 98101-2038

▲ (206) 343-8800

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# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

December 9, 1998

Mr. Neal Shulman  
Puget Sound Air Pollution Control Agency  
110 Union Street, Suite 500  
Seattle, WA. 98101-2038

Re: Request for Mitigation, Notice and Order of Civil Penalty Nos. 8936 and 8937

Dear Mr. Shulman:

Ash Grove Cement Co. requests a meeting with PSAPCA to discuss the events referenced by the above Notices and Orders.

Your cooperation is appreciated

Yours truly,

Gerald J. Brown  
Manager Safety and Environment

Copy: Henrik Voldbaek

**PUGET SOUND AIR POLLUTION CONTROL AGENCY )**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

**NO. 8936**

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36866, a copy of which has been previously provided to you or your agent, you have violated the Order of Approval for Notice of Construction No. 5730, Condition No. 6(B) of the Puget Sound Air Pollution Control Agency in the following particulars:

On or about the 7th day of June 1998, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed emission of an air contaminant (NOX) in excess of 501 ppm at 10% O<sub>2</sub> for a 24-hour average, in violation of Condition No. 6(B).

As a result of the foregoing violation(s), a penalty is assessed against you as follows:

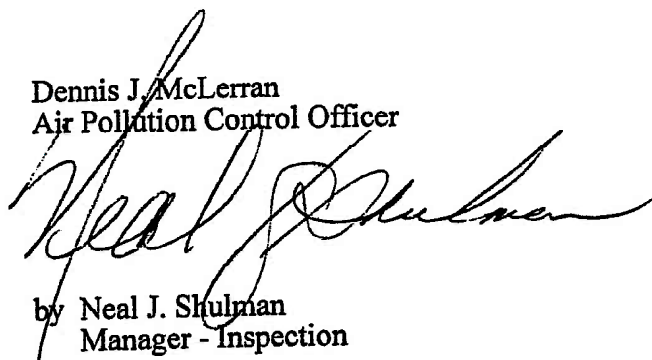
For the violation(s) that occurred on or about the 7th day of June 1998, wherein you caused or allowed NOX emissions in excess of 501 ppm at 10% O<sub>2</sub> for a 24-hour average in violation of Order of Approval for Notice of Construction No. 5730, Condition No. 6(B) of the Puget Sound Air Pollution Control Agency, a penalty is assessed against you in the amount of three thousand dollars (\$3,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 12th day of November 1998.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. Z 580 038 936

**PUGET SOUND AIR POLLUTION CONTROL AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

NO. 8937

**NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation Nos. 36867, 36868, 36869, and 36870, copies of which were previously provided to you or your agent, you violated Order of Approval for Notice of Construction No. 5730, Condition No. 6(B) of the Puget Sound Air Pollution Control Agency in the following particulars:

On or about June 10, 1998; June 11, 1998; and June 12, 1998, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington, you caused or allowed NOX emissions in excess of 501 parts per million for a 24-hour average; and the emission of NOX in excess of 700 parts per million for a one-hour average, in violation of Condition No. 6(B). (NOV Nos. 36867, 36868, 36869)

On or about June 13, 1998, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington, you caused or allowed NOX emissions in excess of 501 parts per million for a 24-hour average, in violation of Condition No. 6(B). (NOV No. 36870)

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred on or about:

June 10, 1998	\$4,000.00	NOV36867
June 11, 1998	\$4,000.00	NOV36868
June 12, 1998	\$4,000.00	NOV36869
June 13, 1998	<u>\$4,000.00</u>	NOV36870

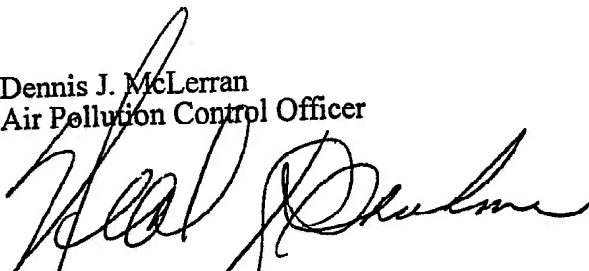
**\$16,000.00 TOTAL PENALTY**

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 12th day of November 1998.

Dennis J. McLerran  
Air Pollution Control Officer

  
by Neal J. Shulman  
Manager - Inspection

Certified Mail No. Z 580 038 936

AGCS2M001230

Registration No 11339

110 Union Street, Suite 500, Seattle, Washington 98101-2038  
206-343-8800 / 1-800-522-3565 \ Fax 206-343-7522

No. / 36866, 36867,  
36868, 36869,  
36870, 36871

Cert. Mail No.: 580 038 799

## NOTICE OF VIOLATION

Date of Violation: June 7,10,11,12,13, and 27th 1998 at: m.

Name: Ash Grove Cement Co.	Responsible Person, Title: Henrik Voldbaek, Plant Manager		
Location of Violation (Address): 3801 E. Marginal Way So.	City: Seattle	Zip: 98134	County: King
Mailing Address: As Above	City, State: Seattle, WA.	Zip: 98134	Phone: 206 694 6221

**DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:**  
**REGULATION \_\_\_\_ OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:**

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☒ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☒ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No. . Condition No.
- ☐ Section
- ☐ Section

**FACTS ALLEGED TO CONSTITUTE A VIOLATION** Based on the continuous emission monitoring report from the Ash Grove Cement Company for the month of June, 1998, the violations specified in the attachment to this notice of violation occurred.

## CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action:

Issued By

*[Signature]*

Date/Time

9.11.98

Received By



**Ash Grove June 1998 CEM violations**

During the month of June, 1998, you caused or allowed the following violations of Notice of Construction no. 5730 condition 6(B) at 3801 E. Marginal Way So. in Seattle, WA.

<u>Date of Violation</u>	<u>Summary of Violation</u>	<u>Section Violated</u>	<u>NOV #</u>
6/07/98	Caused or allowed the emission  of an air contaminant, NOX, greater than 501 parts per million for a 24 hr. Ave.	Order of Approval for NOC 5730 6(B)	36866
6/10/98	Caused or allowed the emission of an air contaminant, NOX greater than 501 parts per million for a 24 hr. average.	Order of Approval for NOC 5730 6(B)	36867
6/10/98	Caused or allowed the emission of an air contaminant, NOX, greater than 700 parts per million for a 1 hr. average.	Order of Approval for NOC 5730 6(B)	36867
6/11/98	Caused or allowed the emission of an air contaminant, NOX greater than 501 parts per million for a 24 hr. average.	Order of Approval for NOC 5730 6(B)	36868
6/11/98	Caused or allowed the emission of an air contaminant, NOX, greater than 700 parts per million for a 1 hr. average.	Order of Approval for NOC 5730 6(B)	36868
6/12/98	Caused or allowed the emission of an air contaminant, NOX greater than 501 parts per million for a 24 hr. average.	Order of Approval for NOC 5730 6(B)	36869
6/12/98	Caused or allowed the emission of an air contaminant, NOX, greater than 700 parts per million for a 1 hr. average.	Order of Approval for NOC 5730 6(B)	36869
6/13/98	Caused or allowed the emission of an air contaminant, NOX greater than 501 parts per million for a 24 hr. average.	Order of Approval for NOC 5730 6(B)	36870
6/27/98	Caused or allowed the emission of an air contaminant, NOX, greater than 700 parts per million for a 1 hr. average.	Order of Approval for NOC 5730 6(B)	36871

**ADDENDUM TO CEM FORMS  
JUNE 1998  
ASH GROVE CEMENT**

**PRODUCTION/CONTROL DATA:**

Kiln Operating Time*	706 hours
Average Production**	97.1 tons/hr
Emission Rate SO <sub>2</sub>	0.413 lb/ton
Emission Rate NO <sub>x</sub>	3.447 lb/ton
Emission Rate CO	3.860 lb/ton

\* Includes kiln preheat time.

\*\* Does not include kiln preheat time

**NO<sub>x</sub> EMISSIONS:**

<u>Date</u>	<u>Daily Average</u>	<u>Time</u>	<u>Hourly Average</u>
06/07/98	547 ppmc	14:00	811 ppmc
		15:00	782 ppmc
		16:00	718 ppmc

*Run with*

Feed had been put on at 13:50 on the 6th. The kiln was just coming out of startup and the kiln feed for an unknown reason was hard to burn (based on its chemistry). The operator was taking steps to control the NO<sub>x</sub> (i.e. control oxygen, add feed).

06/10/98	518 ppmc	22:00	706 ppmc
6/11/98	581 ppmc	00:00	843 ppmc
		01:00	849 ppmc
		02:00	782 ppmc
6/12/98	560 ppmc	10:00	720 ppmc
		11:00	731 ppmc
		12:00	816 ppmc
		13:00	764 ppmc
		14:00	795 ppmc

6/13/98      547 ppmc

On 6/10, the gearbox for the kiln coal feeder failed and we were forced to switch to gas as the main fuel source. As our kiln feed is configured to use coal as the main fuel, the kiln runs at a higher NO<sub>x</sub> level when using gas as a fuel. The feeder was put back in operation

**NO<sub>x</sub> EMISSIONS: (CONT.)**

at 16:00 on 6/13. During the time we were using gas, the operators were instructed to take extra care in the matter - watch their oxygen levels and be careful not to over burn the kiln. Another option would have been to start making a feed configured for a gas burn. However this was decided against. Due to the size of our feed storage silos, it takes 2 - 3 days to change feed types. By this time we predicted, the feeder would be repaired.

This event should be excused from penalty under WAC 173-400-107 (6). The event was not caused by poor design and is not recurring. It was determined that a seal for the gearbox had failed. The seal was repaired and we do not expect any future failure.

<u>Date</u>	<u>Daily Average</u>	<u>Time</u>	<u>Hourly Average</u>
6/27/98		04:00	862

At 04:00, feed to the kiln was dramatically reduced (by 40%). Upon inspection it was found that the airslide feeding our 65 ton feed bin was plugged with material. This was cleared and the feed was returned to its normal rate. However, the loss in feed caused the kiln to heat up excessively. This event should be excused from penalty under WAC 173-400-107 (6). This event was not caused by poor design and is not recurring as this is the first time in 6 years we have seen a plug in this location. The operator took immediate action, slowing the kiln down and controlling the oxygen, and the feeder was fixed within the hour.



**KILN START-UP / SHUTDOWN LOG**

<u>Date</u>	<u>Time</u>	<u>Event</u>
06/06/98	05:00	Kiln shut down (Discharge pan conveyor tripped)
06/06/98	09:30	Flame put in kiln (Natural Gas). (Pre-heat begins)
06/06/98	13:50	Feed started to kiln (Start-up begins)
06/07/98	13:50	Kiln start-up over
06/09/98	13:40	Kiln shut down (Computer Control Error)
06/09/98	14:15	Flame put in kiln (Natural Gas). (Pre-heat begins)
06/09/98	14:30	Feed started to kiln. (Start-up begins)
06/09/98	17:55	Kiln shut down (Kiln Drive Tripped)
06/09/98	18:50	Flame put in kiln (Natural Gas). (Pre-heat begins)
06/09/98	21:15	Feed started to kiln. (Start-up begins)
06/10/98	21:15	Kiln start-up over
06/13/98	01:10	Kiln shut down (Gas leak on Burner Pipe)
06/13/98	04:15	Flame put in kiln (Natural Gas). (Pre-heat begins)
06/13/98	07:50	Feed started to kiln (Start-up begins)
06/14/98	07:50	Kiln start-up over
06/23/98	20:50	Kiln shut down (Material Plug in Preheater 5th Stage)
06/23/98	23:00	Flame put in kiln (Natural Gas). (Pre-heat begins)
06/23/98	23:45	Feed started to kiln. (Start-up begins)
06/24/98	23:45	Kiln start-up over
06/28/98	06:15	Kiln shut down (Power Spike)
06/28/98	06:55	Flame put in kiln (Natural Gas). (Pre-heat begins)
06/28/98	07:15	Feed started to kiln. (Start-up begins)
06/29/98	07:15	Kiln start-up over

**MONITOR DOWNTIME REPORT:**

All analyzers and the DAS were in operation at least 90% of all reportable hours for the month.

<u>Date</u> <u>Down</u>	<u>Time</u> <u>Down</u>	<u>Date</u> <u>Up</u>	<u>Time</u> <u>Up</u>	
06/08/98	09:15	06/08/98	12:45	General Calibration
06/19/98	09:45	06/19/98	13:00	Relocated Heated Sample line to bring it closer to the chiller and reduce condensation.
06/24/98	10:51	06/24/98	13:40	Clean and re-align Opacity Transmissometer
06/25/98	09:15	06/25/98	14:45	Clean and shorten sample lines to reduce lag time.
06/26/98	08:30	06/26/98	15:30	Replace SO2 Pump to decrease lag time.
6/30/98	11:45	06/30/98	13:45	Installed Heated Sample Line on SO2 sample line.

# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

September 24, 1998

Ms. Elizabeth Gilpin  
Puget Sound Air Pollution Control Agency  
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Re: Notice of Violation Nos. 36866, 36867, 36868, 36869, 36870, and 36871

Dear Ms. Gilpin:

NOV# 36866 June 07, 1998

Per the June report, the feed to the kiln was hard to burn because of its chemistry. Several events occurred that contributed to this NOx exceedance. Coal mill #2 was shut down on 6/3 to 6/9 for major repairs and to replace the mill motor. The kiln feed mix from the raw mill was immediately refigured for ½ coal usage and sent to storage in silo #2 and the kiln was switched to this mix. Storage silo #1 contained a full coal mix.

The Raw Mill, which grinds the mix, was shut down on 6/6 at 05:20 hrs, because of a triple gate failure and it was later discovered that two tires were cracked and required replacing. These repairs lasted until 6/8 and the mill restarted for ½ coal mix at 20:00 hrs.

On 6/7 with the raw mill down, storage silo #2 containing the ½ coal feed mix emptied forcing a change to storage silo #1 containing full coal mix. Additionally during times the raw mill is down, the amount of hydrated lime (sorbent) added to the feed for SO2 control increases. The forced silo change in combination with the sorbent addition made the mix even harder to burn. Process changes made by the operator prior to the silo change were effective but did not yield the results as quickly as anticipated.

NOV# 36867 (June 10, 1998), NOV# 36868 (June 11, 1998), NOV# 36869 (June 12, 1998), and NOV# 36870 (June 13, 1998).

The causes of the above NOx exceedances were in part connected to the events earlier June event. A ½ coal mix was being produced since the raw mill resumed operation on 6/8 and both storage silos contained this mix. A failure of the kiln coal (Pfister) feeder gearbox occurred on 6/9 at 17:15hrs that forced the switch to natural gas as the main fuel source. Efforts were begun immediately to determine the cause and effect repairs.

On 6/10, it was found that the gear bearings had failed and had to be replaced. The bearing was damaged when an internal shaft seal between the rotor shaft and gearbox failed allowing coal to accumulate inside. The seal is internal and its failure could not be predicted. In an attempt to affect repairs quickly, the gearbox from the calciner Pfister, believed to be compatible, was removed and installed on the kiln feeder. This effort proved not effective because the "swapped" gearbox contained a different gear ratio. The replacement gearbox was received and installed on Saturday June 13.

**NOV# 36871 June 27, 1998**

This NOx exceedance was unrelated to the previous events. The cause was due to a plug in the airslide feeding the 65-ton weigh bin and the sudden loss of feed caused the kiln to heat up excessively.

This event was not due to poor design and is not reoccurring. The operator made immediate changes to the process. The problem was quickly identified and remedied.

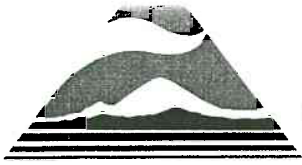
Please let me know if you have any further question.

Yours truly,



Gerald J. Brown  
Manager Safety and Environment

Copy: Henrik Voldbaek



PUGET SOUND AIR POLLUTION CONTROL AGENCY  
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

February 19, 1999

*Ans 2/22/99*

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way S  
Seattle WA 98134

Dear Mr. Voldbaek:

Ash Grove Cement Company  
Notice and Order of Civil Penalty No. 8937

This Agency wishes to acknowledge and thank you for check #25223. The funds (\$8,000.00) from this check, when deposited to the Agency, are accepted in full payment of Notice and Order of Civil Penalty No. 8937.

Thank you for your action to ensure compliance with Agency air pollution regulations and in joining with this Agency in efforts to achieve cleaner air.

Sincerely,

Neal J. Shulman  
Manager - Inspection

NJS:mll

cc: Laurie Halvorson, Agency Counsel  
Accounting  
Rosemary Busterna, Senior Air Pollution Inspector  
Valerie Diggs, Administrative Assistant  
Rick D. Hess, Senior Air Pollution Inspector  
Melissa McAfee, Air Pollution Inspector  
Elizabeth Gilpin, Air Pollution Inspector

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

Margaret Pageler, City of Seattle, Board Chair  
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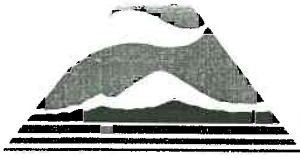
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PUGET SOUND AIR POLLUTION CONTROL AGENCY  
KING COUNTY    ▲    KITSAP COUNTY    ▲    PIERCE COUNTY    ▲    SNOHOMISH COUNTY

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

January 27, 1999

Re: Notice and Order of Civil Penalty Nos. 8936 and 8937

Dear Mr. Voldbaek:

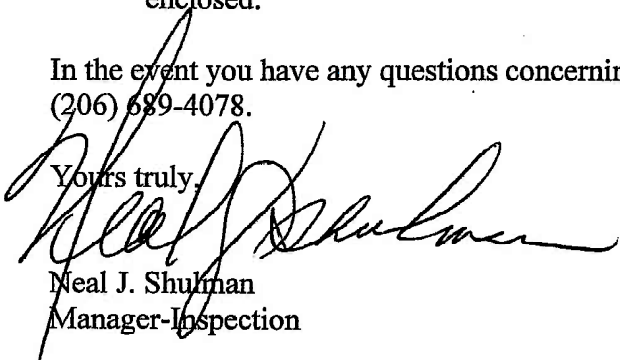
We have reviewed the above referenced Civil Penalties in light of the information presented to us at the office conference of January 19, 1999, attended by Gerald Brown, Trygve Grey, and Michael Dwyer from Ash Grove. As a result of that review we have taken the following action:

Notice and Order of Civil Penalty No. 8936 is cancelled based on our determination, from the information presented, that the violation occurred during start-up. The notice of cancellation is enclosed.

Notice and Order of Civil Penalty No. 8937 has been amended by reducing the penalty on each of the four dates of violation to \$2000.00, for a total penalty assessment of \$8,000.00. This reduction is based on the information presented at the January 19 office conference and is intended to reflect the corrective actions taken by Ash Grove. The Amended Notice and Order of Civil Penalty is enclosed.

In the event you have any questions concerning this matter, please feel free to contact me at (206) 689-4078.

Yours truly,

  
Neal J. Shulman  
Manager-Inspection

cc: Legal  
Accounting  
Rick Hess, Senior Air Pollution Inspector  
Elizabeth Gilpin, Air Pollution Inspector  
Melissa McAfee, Air Pollution Inspector  
Fred Austin, Air Pollution Engineer

Dennis J. McLerran, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

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AGCS2M001240

**PUGET SOUND AIR POLLUTION CONTROL AGENCY**  
a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

NO. 8936

NOTICE AND ORDER OF  
CANCELATION OF  
CIVIL PENALTY

You are hereby notified that Notice and Order of Civil Penalty No. 8936, which was issued by Certified Mail No. Z 580 038 936, and was dated December 12, 1998, is canceled.

Dated this 27th day of January 1999.

Dennis J. McLerran  
Air Pollution Control Officer



by Neal J. Shulman  
Manager - Inspection

a municipal corporation of the state of Washington  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038

VS

**ASH GROVE CEMENT COMPANY**  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, Washington 98134

NO. 8937

**\*\*AMENDED\*\*  
NOTICE AND ORDER  
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation Nos. 36867, 36868, 36869, and 36870, copies of which were previously provided to you or your agent, you violated Order of Approval for Notice of Construction No. 5730, Condition No. 6(B) of the Puget Sound Air Pollution Control Agency in the following particulars:

On or about June 10, 1998; June 11, 1998; and June 12, 1998, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington, you caused or allowed NOX emissions in excess of 501 parts per million for a 24-hour average; and the emission of NOX in excess of 700 parts per million for a one-hour average, in violation of Condition No. 6(B). (NOV Nos. 36867, 36868, 36869)

On or about June 13, 1998, at 3801 East Marginal Way South, in the city of Seattle, King County, state of Washington, you caused or allowed NOX emissions in excess of 501 parts per million for a 24-hour average, in violation of Condition No. 6(B). (NOV No. 36870)

As a result of the foregoing violations, a penalty is assessed against you as follows:

For the violations that occurred on or about:

June 10, 1998	\$2,000.00*	NOV36867
June 11, 1998	\$2,000.00*	NOV36868
June 12, 1998	\$2,000.00*	NOV36869
June 13, 1998	\$2,000.00*	NOV36870
	<b>\$8,000.00*</b>	<b>TOTAL PENALTY</b>

*OK  
G. J. Shulman  
2/1/99*

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 27th day of January 1999.

Dennis J. McLerran  
Air Pollution Control Officer



by Neal J. Shulman  
(Manager - Inspection)

Certified Mail No. Z 116 155 800

AGCS2M001242



PUGET SOUND AIR POLLUTION CONTROL AGENCY  
KING COUNTY      KITSAP COUNTY      PIERCE COUNTY      SNOHOMISH COUNTY

Ash Grove Cement Company  
c/o Henrik Voldbaek, Plant Manager  
3801 East Marginal Way South  
Seattle, WA 98134

January 27, 1999

Re: Notice and Order of Civil Penalty Nos. 8936 and 8937

Dear Mr. Voldbaek:

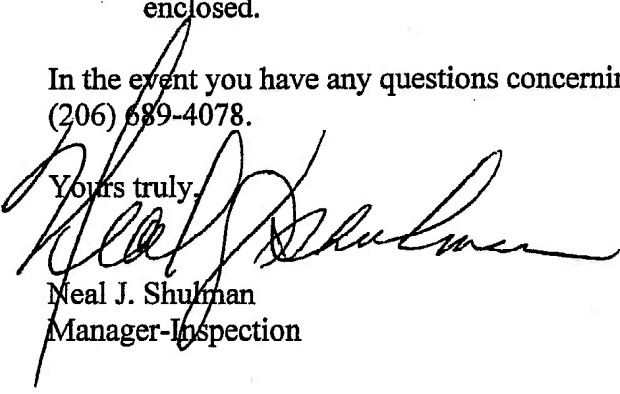
We have reviewed the above referenced Civil Penalties in light of the information presented to us at the office conference of January 19, 1999, attended by Gerald Brown, Trygve Grey, and Michael Dwyer from Ash Grove. As a result of that review we have taken the following action:

Notice and Order of Civil Penalty No. 8936 is cancelled based on our determination, from the information presented, that the violation occurred during start-up. The notice of cancellation is enclosed.

Notice and Order of Civil Penalty No. 8937 has been amended by reducing the penalty on each of the four dates of violation to \$2000.00, for a total penalty assessment of \$8,000.00. This reduction is based on the information presented at the January 19 office conference and is intended to reflect the corrective actions taken by Ash Grove. The Amended Notice and Order of Civil Penalty is enclosed.

In the event you have any questions concerning this matter, please feel free to contact me at (206) 689-4078.

Yours truly,

  
Neal J. Shulman  
Manager-Inspection

cc: Legal

Accounting

Rick Hess, Senior Air Pollution Inspector

Elizabeth Gilpin, Air Pollution Inspector

Melissa McAfee, Air Pollution Inspector

Fred Austin, Air Pollution Engineer

Dennis J. McLerran, Air Pollution Control Officer

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